



COUNCIL MINUTES

November 16, 2009

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on November 16, 2009 at 5:47 p.m.

COUNCIL PRESENT

Mayor Scott Smith
Alex Finter
Dina Higgins
Kyle Jones
Dennis Kavanaugh
Dave Richins
Scott Somers

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

Invocation by Pastor Paul Whitlock, Desert Heritage Church.

Pledge of Allegiance was led by Scout David Allen of Troop # 530.

Mayor's Welcome.

Mayor Smith welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

Awards, Recognitions and Announcements.

Mayor Smith recognized members of the Mayor's Youth Committee who were present in the audience. He explained that every year, students from Mesa's six high schools are selected to represent their respective schools and participate in various activities to familiarize themselves with City government, gain leadership skills and work together on problems that affect the community. Mayor Smith stated that the primary project for the Committee is the Mayor's Assignment, wherein the students are divided into five groups and each group is assigned a topic (i.e., illegal immigration, light rail extension, alternative energy) to debate. He said that each group presents the pros and cons of the topic and also offers possible solutions regarding the matter.

Mayor Smith further acknowledged Elizabeth Malone, a member of the Mayor's Youth Committee, who was one of four Southeast Valley students who won an essay contest regarding Veteran's Day. He stated that Ms. Malone's essay was recently published in the Arizona Republic and congratulated her for her efforts and hard work.

Mayor Smith also recognized Mesa resident Taryn Brady, who was selected as 2009 Miss Rodeo Arizona. He briefly highlighted her academic achievements at Arizona State University and her equestrian interests and congratulated her on her accomplishments.

Councilmember Higgins commented that she is a neighbor of Ms. Brady and noted that Ms. Brady's great grandfather is in the Reno Rodeo Hall of Fame and her grandmother was the 1950 Reno Rodeo Queen. She stated that the Brady family has been active in the community and recently provided input with regard to amending the City's Livestock Ordinance.

Mayor Smith and Councilmember Higgins presented a plaque to Ms. Brady in recognition of her accomplishments.

1. Take action on all consent agenda items.

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

Mayor Smith clarified that item 6c, which was removed from the consent agenda at the previous Study Session, has now been placed back on the consent agenda.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Somers, that the consent agenda, as modified, be approved.

Carried unanimously.

*2. Approval of minutes of previous meetings as written.

Minutes from the April 23, October 19 and 29 and November 2, 2009 Council meetings.

3. Take action on the following liquor license applications:

*3a. AZ Center for Germanic Cultures, Inc.

This is a one-day charitable event to be held on Saturday, December 5, 2009 from 11:00 a.m. to 9:00 p.m. at 1 North Macdonald Street. This is part of the Christkindlmarkt Special Event. **(District 4)**

*3b. Dos Gringos Grille

New Restaurant License for Dos Gringos Grille, 1958 South Greenfield Road, DG Baseline LLC – Jesus Manuel Altamirano, Agent. The previous Restaurant License held at this location by Dos Gringos Greenfield Inc. will revert back to the State. **(District 6)**

*3c. Matta's Grill and Cantina

New Restaurant License for Matta's Grill and Cantina, 1033 North Dobson Road, Suite 101, Matta's Riverview Inc. – Peter David Matta, Agent. No previous liquor license at this location. **(District 1)**

4. Take action on the following contracts:

*4a. Purchase of a Cold Planer Attachment for the Transportation Department (Fully Funded by Transportation Sales Tax Revenues). **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidder, Empire Machinery, a Mesa business, at \$27,731.03, including applicable sales tax.

*4b. Purchase of Forty (40) Replacement Vehicles for the Police Department. **(Citywide)**

The Purchasing Division recommends authorizing purchase from the State contract with Five Star Ford at \$1,511,465.20, including applicable sales tax.

*4c. Purchase and Installation of Signage for the Arts and Cultural Department, Mesa Arts Center (Fully Funded by Alliance Fund). **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidder, Airpark Signs & Graphics, at \$44,082.10, including applicable sales tax.

*4d. Purchase of a Replacement Three-Reel Turret Trailer for the Energy Resources Department. **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidder, Sauber Manufacturing Co., at \$67,856.44, including applicable sales tax.

*4e. Center Against Family Violence – Security Improvements, 225 East 1st Street. **(District 4)**

City Project No. 01-765-001. This project will furnish and install new fencing to secure the Center Against Family Violence (CAFV) facility and the staff parking lot with cameras, card readers, security system, and lighting to illuminate the gated entrances and parking canopies as well as the parts of the campus with open stairways and halls.

Recommend award to the low bidder, SD Crane Builders, Inc., in the amount of \$246,500.00 plus an additional \$24,650.00 (10% allowance for change orders) for a total award of \$271,150.00. Funding is available in the adopted FY 09/10 Law Enforcement Capital Bond Program.

*4f. The Mesa Grande Ruins, Phase 1, northwest corner of Brown Road and 10th Street. **(District 1)**

City Project No. 01-801-001. The project will include surfacing a maintenance area and a new pathway with decomposed granite and installing conduit and boxes for a future interpretative system. Some of the areas have been impacted by erosion over the years and will be stabilized in an effort to preserve the ruins.

Recommend award to the low bidder, KLASS Services, Inc., in the amount of \$47,735.00 plus an additional \$4,773.50 (10% allowance for change orders) for a total award of \$52,508.50. This project will be funded with the State Heritage Fund Grant (\$100,000).

5. Take action on the following resolutions:

- *5a. Approving and authorizing the City Manager to execute an Intergovernmental Agreement and First Amendment with the Mesa Unified School District to define responsibilities for funding, construction, operation and maintenance of yellow flashing lights in seven Mesa school zones. The City's 50% share of the construction is estimated at \$72,000. (Funded from Local Transportation Sales Tax) – Resolution No. 9601. **(Districts 1, 3, 4, 5 and 6)**
- *5b. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with the Gilbert Public School District to define responsibilities for funding, construction, operation and maintenance of yellow flashing lights in two Gilbert school zones. The City's 50% share of the construction is estimated at \$20,000. (Funded from Local Transportation Sales Tax) – Resolution No. 9602. **(District 6)**
- *5c. Approving and authorizing the City Manager to execute a Grant Agreement with the Arizona Criminal Justice Commission to secure grant funds in the amount of \$34,271 for training and travel for the Police Department's Forensic Services Section and accreditation process – Resolution No. 9603.
- *5d. Approving and authorizing the City Manager to execute an agreement between the Regional Public Transportation Authority (RPTA) and the City of Mesa for FY 2009-10 fixed-route bus transit services. Mesa's cost is \$4,559,481 – Resolution No. 9604.
- *5e. Approving and authorizing the City Manager to execute an agreement between the Regional Public Transportation Authority (RPTA) and the City of Mesa for Citywide FY 2009-10 Dial-a-Ride services. Mesa's cost is \$2,131,897 – Resolution No. 9605.
- *5f. Approving and authorizing the City Manager to execute an agreement between the Regional Public Transportation Authority (RPTA) and the City of Mesa for FY 2009-10 Ride Choice Alternative Transportation Services. Mesa's cost is \$350,000 – Resolution No. 9606.
- *5g. Endorsing Management Policy No. 358 establishing a Meet and Confer process for sworn public safety employee groups – Resolution No. 9607.
- *5h. Approving and authorizing the City Manager to execute a lease with Mesa United Way for usage of the City facility located at 433 North Pasadena – Resolution No. 9608. **(District 4)**

6. Introduction of the following ordinances and setting December 7, 2009, as the date of the public hearing on these ordinances:

- *6a. Repealing the existing Personnel Rules applicable to City of Mesa employees and adopting new Personnel Rules.
- *6b. Amending Section 2-18-2 of the Mesa City Code relating to Personnel Appeals Board Procedural Guidelines.
- *6c. Amending Title 2, Chapter 1 of the Mesa City Code to modify the duties of the Planning and Zoning Board and repealing Title 2, Chapter 20 of the Mesa City Code eliminating the Downtown Development Committee.
- *6d. Repealing Title 5, Chapter 12 of the Mesa City Code related to massage establishments and adopting a new Title 5, Chapter 12 that strengthens oversight of massage establishments. This ordinance incorporates changes based on meeting with massage establishment stakeholders.
- *6e. **Z09-17 (District 6)** The 4800 through 5200 block of South Hawes Road. Located south of the Loop 202 Freeway on the east and west sides of the Hawes Road alignment including the southeast corner of the Hawes and Ray Road alignments (230± acres). Rezone from AG-AF to C-2 and PEP with a BIZ overlay and a Council Use Permit, and the establishment of the Gateway 202 Airpark Development Master Plan. This request will allow for the development of a high quality master planned Mixed Use Employment area with office, retail, hotel, and urban living components. Brad Hansen, 202 Holdings, owner; Stephen Earl, Earl, Curley and Lagarde P.C., applicant.

P&Z Recommendation: Approval with conditions.

(Vote: 5-0-1, Boardmember Coons abstained and Boardmember Perkinson absent.)

7. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen that wants to provide comment should submit a blue card to the Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (*), a blue card must be given to the Clerk before Council votes on the consent agenda.

- *7a. **Deleted.**
- *7b. **Deleted.**
- *7c. **Z09-19 (District 4)** 1265 South Pima. Located west of Mesa Drive and south of Southern Avenue (2.13± acres). Rezone from C-2 to C-3 and Site Plan Review. This request will allow an existing building to be used for wholesale of plumbing and HVAC equipment. Mark Shill, owner; Tim Nielsen, applicant – Ordinance No. 4954.

P&Z Recommendation: Approval with conditions.

(Vote: 5-0-1, Boardmember Coons abstained and Boardmember Perkinson absent.)

- *7d. **Z09-21 (District 6)** 7417 South Hawes Road. Located at the northeast corner of Hawes Road and Germann Road (55± acres). Rezone from AG to M-1 BIZ and O-S and Site Plan Review. This request will allow for the development of a movie production studio. Gateway Airport Partnership/Germann and Hawes Limited Partnership/Vince Stark, owner; Nathan Cottrell – EST, Inc., applicant – Ordinance No. 4955.

P&Z Recommendation: Approval with conditions.

(Vote: 6-0, Boardmember Perkinson absent.)

8. Take action on the following subdivision plat:

- *8a. “ESTATES AT VALENCIA AT MOUNTAIN BRIDGE” – **(District 5)** – 8526 East Mountain Bridge Drive (north side) located east and south of McKellips and Hawes Roads. 19 R1-15 PAD DMP single residence lots (15.5 ac). Jeff Blandford, manager, Pinnacle Ridge Holdings, L.L.C., owner; Darrell Smith, Wood, Patel & Associates, Inc., Engineer.

9. Items from citizens present.

There were no items from citizens present.

10. Adjournment.

Without objection, the meeting adjourned at 6:05 p.m.

SCOTT SMITH, MAYOR

ATTEST:

LINDA CROCKER, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 16th day of November 2009. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

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